

REMARKS

In response to the official action:

[1-2] Process claims 1-3 remain withdrawn from consideration. The Examiner required that claim 4 be made independent by including the subject matter of claim 1, which is done. The objection to claim 8 was due to a typographic error, whereby the change of claim 8 to depend from claim 4 (page 5 of the Preliminary Amendment of January 30, 2002) did not carry over to the restatement of the claim on page 2; this is corrected, and consideration of claim 8 is requested.

A typographic error at page 22, line 12 in the specification, is corrected, with "84" amended to "94."

[4-5] Claims 4-7 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 4 is amended and in claim 6, "and are different from the latter scores in level" is deleted. Withdrawal of the rejection is requested.

[6-7] Claims 4 and 5 are rejected under 35 U.S.C. §102(b) as being anticipated by Billberg (U.S. Patent 4,655,386), or in the alternative, over Billberg in view of Sidebotham (U.S. Patent 2,362, 862). This rejection is respectfully traversed.

Claim 4 recites a straight bottom seal edge, which is exemplified by the straight bottom seal rib 32 (Fig. 7 and page 17, line 20 of the application). Billberg discloses a bottom sealed only over the middle portion of the bottom edge, that is, over the tabs 19 which project below the line 17' in Fig. 4. Claim 4 now reads, "a straight bottom seal rib extending along the entire bottom of the tubular blank," and now better distinguishes over Billberg.

Sidebotham discloses sealing along an entire bottom edge (The Examiner is invited to note the lower stippled area in Fig. 2, which appears to indicate an area that is sealed), but the overlapping is not the same as that disclosed by the Applicants in Figs. 6 and 7: instead of two inner surfaces of the blank meeting and being sealed to each other, an inner surface meets and seals against an *outer* surface of the blank, contrary to the last paragraph of claim 4.

[8] Claims 4-6 are rejected under 35 U.S.C. §102(b) as being anticipated by Braun (U.S. Patent 3,498,524). This rejection is respectfully traversed.

Braun's bottom closure, shown in Fig. 7, is like that shown in Billberg's Fig. 3. Amended claim 4 distinguishes over Braun because Braun's lower panels, as shown in Fig. 2, do not extend past the apex of the V-shaped ear folding score.

[9-10] Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Billberg in view of Anchor (U.S. Patent 5,738,272). This rejection is respectfully traversed on the basis that claim 6 depends from allowable claim 4.

[11] Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Billberg in view of Anchor '272 and in further view of Anchor (U.S. Patent 5,871,144). This rejection is respectfully traversed on the basis that claim 6 depends from allowable claim 4.

Claim 8 is patentable by its dependence from claim 4.

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In view of the amendments and remarks, withdrawal of the rejections and objections, and allowance of all claims, is requested.

Respectfully submitted,

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